

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

THEODORE E. HUCKABEE,)	Civil Action No. 4:13-cv-00614-JMC
Plaintiff,)	
)	
vs.)	ORDER OF DISMISSAL
)	
CAROLYN W. COLVIN, acting)	
Commissioner of the Social Security)	
Administration,)	
Defendant.)	
_____)	

This action is an appeal regarding a claim for disability benefits under the Supplemental Security Income (SSI) program. According to information and an affidavit provided by Plaintiff's counsel, the Plaintiff died on August 22, 2013. Under the provisions of 20 CFR § 416.542(b)(1) and § 416.542(b)(4), which govern SSI benefits, past due benefits under this program can only be paid to the spouse of the claimant. The affidavit provided by Plaintiff's counsel shows that the claimant left no spouse who would be eligible to receive his past due benefits.

The Plaintiff's Counsel has moved to voluntarily dismiss and end this action, under FRCP 41(a)(2). The Defendant has informed this Court that it has no objection to such a dismissal.

This action is therefore **DISMISSED** and ended, with prejudice.

IT IS SO ORDERED.

J. Michelle Childs

United States District Judge

November 13, 2013
Greenville, South Carolina